


### C.C.R.B CASE CLOSING FORM

Investigator assigned: Roger Nunamann		Team: 3	CCRB#: 9804394	<input type="checkbox"/> Force <input type="checkbox"/> Discourtesy <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Date of incident: 9/29/98	Time of incident: 7:30 AM	Location of incident: § 87(2)(b)	Pct. of occurrence: 067	Date S.O.L. Expires: 3/29/00
Date reported: 10/8/98	Time reported: 12:59 PM	To whom/where/how reported: McKoy/ Command 501/ In Person		
Complainant: § 87(2)(b)		Home address: § 87(2)(b)		
Victim(s): § 87(2)(b)		Home address: § 87(2)(b) Same as Above		
Witness(es): NA		Home address:		
Subject officer(s) (include rank): Officer Devon Freed Sergeant Edward Mullin Detective Rafael Mangual		Shield: 30654 1771 4478	Tax: 903965 876768 881142	Command: 067 Precinct Special Victims Squad Brklyn 067 RAM
Witness officer(s) (include rank): Officer James Killen		Shield: 16839	Tax: 904268	Command: 067 Precinct

ENCL. 1a

Allegation(s) by letter:	Recommendation(s):
<p>A) <b>Discourtesy</b> – Unidentified member of service was discourteous when he stated, “Open the fucking door,” in violation of Patrol Guide 104-01.</p> <p>B) <b>Abuse</b> – Unidentified member of service abused his authority when he threatened to have the fire department break the door down in violation of Patrol Guide 110-22</p> <p>C) <b>Abuse</b> – Sergeant Edward Mullins abused his authority when he refused to identify himself in violation of Patrol Guide 104-01.</p> <p>D) <b>Abuse</b> – Detective Rafael Mangual abused his authority when he refused to identify himself in violation of Patrol Guide 104-01.</p> <p>E) <b>Abuse</b> – Officer Devon Freed abused his authority when he threatened to arrest § 87(2)(b) in violation of Patrol Guide 110-01.</p> <p>F) <b>Discourtesy</b> – Officer Devon Freed was discourteous when he asked, “Are you going to fucking come with us?” in violation of Patrol Guide 104-01.</p>	<p>§ 87(2)(g)</p> 

### Synopsis

Officer Freed, Officer Killen, Detective Mangual, and Sergeant Mullins went to the above address to bring Mr. § 87(2)(b) in for questioning concerning a homicide investigation. The members of service knocked on the door. One of the officers, who could not be identified, allegedly cursed and threatened to break the door down. They identified themselves, and Mr. § 87(2)(b) agreed to go to the precinct. It could not be determined with certainty if Officer Freed cursed at or threatened to arrest Mr. § 87(2)(b).

### Summary of Complaint

On September 29<sup>th</sup>, at 7:15am, two officers went to Ms. § 87(2)(b) house looking for § 87(2)(b). When asked by the complainant what they wanted, the response was “Open the fucking door. If you don’t, we are going to call the Fire Department, and they will kick it down.” Ms. § 87(2)(b) could not identify which officer said it. The door was opened, and the officers walked into the apartment.

The officers approached Mr. § 87(2)(b) and told him he had to come to the precinct. One officer was shining his light around, searching the living room. Another officer looked like he was going towards the bedroom. Ms. § 87(2)(b) told him that he could not go in there without a search warrant. The officer responded that he was only looking for Mr. § 87(2)(b) shoes. The officers then led Mr. § 87(2)(b) out the door. Ms. § 87(2)(b) stated that both officers were “nasty” and refused to give their names. She later learned from Mr. § 87(2)(b) that one of the officers was named Kennedy.

Mr. § 87(2)(b) was put into a line-up and later released.

ENCL. 16

### Results of Investigation

Mr. § 87(2)(b) stated that no less than four members of service knocked at his door. He was afraid that the officers would force open the door to his apartment. They did not threaten to break down the door. He let them in and asked what they wanted. The officers informed him that they wanted him to accompany them down to the precinct. Mr. § 87(2)(b) asked, "For what?" He was not told why. By now, Mr. § 87(2)(b) Grandmother, § 87(2)(b) had woke up. She asked what was happening. The officers told her not to worry, that this was between them and Mr. § 87(2)(b). Mr. § 87(2)(b) did not ask to see any shields. He doesn't recall if anyone else asked the officers for identification.

Mr. § 87(2)(b) again asked what the problem was. A plain dressed officer said, "Are you going to fucking come with us, or are we going to have to arrest you?" Ms. § 87(2)(b) began to get agitated. To avoid problems, Mr. § 87(2)(b) agreed to go. The police were standing in the kitchen. Mr. § 87(2)(b) asked his Grandmother to step back and get his pants. When she went to do so, the police followed her into the living room. One officer was shining his light and looking around. Mr. § 87(2)(b) stated that the officers did curse.

Detective Mangual stated that they knocked on the door and Mr. § 87(2)(b) Grandmother answered it. The detective does not remember who knocked on the door. She asked who it was, and they told her police. Nobody threatened to break the door down. She opened the door, and Mr. § 87(2)(b) stood behind her. Detective Mangual does not recall if anyone else was in the apartment. They showed their shields as normal. They asked Mr. § 87(2)(b) if he would come to the station house to talk about a homicide investigation. He was told that his name had come up, and since the victim was the shooter of his brother, they wanted to talk to him.

Mr. § 87(2)(b) invited the detectives into the house. He was not told he would be placed under arrest if he did not come. They asked him to get his shoes and jacket, and he told them they were in the other room. They asked the Grandmother to get them, and she refused. She said that they had no right to be in her house, and she got agitated about them supposedly searching the apartment. Detective Mangual stated that they didn't search the apartment. He stated that he had only taken his flashlight and walked over to the living room area. He shined the flashlight on the wall to look for the light switch, because that's where Mr. § 87(2)(b) said his shoes were.

Sergeant Mullins stated he had received information that § 87(2)(b) was the shooter in a homicide. The Sergeant and three detectives went to Mr. § 87(2)(b) house. Sergeant Mullins had his field jacket on and his shield was visible. Detective Mangual and Officer Freed knocked on the door, and Ms. § 87(2)(b) answered it. Sergeant Mullins and Officer Killen were around the outside of the building. When they went upstairs, the door was already open. They asked for Mr. § 87(2)(b) and he came to the door. Sergeant Mullins explained that they believed he was involved in one of their investigations, and they needed him to come to the precinct. Mr. § 87(2)(b) was not told that it was a homicide investigation at the time. His grandmother kept asking why they were there. Sergeant Mullins told her it was because of an investigation. They didn't want to tell her the details, because they didn't want to escalate the situation. Sergeant Mullins did most or all of the talking with Ms. § 87(2)(b).

The Sergeant stated that Mr. § 87(2)(b) was not threatened with arrest. Mr. § 87(2)(b) asked if he could go back in and put on his shoes. He went into the apartment and the detectives followed him back in. The detectives shined their flashlights, because the apartment was dark. The grandmother became upset when the flashlights were turned on. She told them that they didn't need any lights. Mr. § 87(2)(b) put on shoes, grabbed a jacket, and left with them.

Officer Freed stated he and a detective knocked on the door. Nobody threatened that the door would be broken down. They asked for § 87(2)(b) and Ms. § 87(2)(b) asked what it was about. As she asked, Mr. § 87(2)(b) appeared behind her. They asked § 87(2)(b) if he would come down to the precinct and talk about an ongoing investigation. He agreed and asked if he could get dressed. They told him he could. All four members of service walked into the apartment behind him. He got dressed, and the sergeant followed him into the room. Officer Freed stayed in the foyer area. Officer Freed stated that he never mentioned the word arrest or threatened it. Nobody asked Officer Freed to identify himself.

Officer Killen stated that he went over to Flatbush Avenue for a homicide investigation. Officer Freed and Detective Mangual went upstairs. He went around back with the Sergeant. They received a radio transmission and went into the building. The door to the apartment was already open. Officer Killen walked into the apartment, then walked out. Officer Killen waited on the stairs until Mr. § 87(2)(b) was brought out. He didn't hear anything that happened in the apartment.

Detective Kennedy testified that he was not present on the morning of 9/29/98. All four members of service on the scene confirm that he was not present on 9/29/98.

### Conclusions and Recommendations

Ms. § 87(2)(b) stated that an unidentified officer cursed and threatened to break the door down. Her grandson, § 87(2)(b) stated that no one threatened to break the door down, but there was cursing. Detective Mangual and Officer Freed are the ones who knocked on the door. They stated that there were no threats to break the door down. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Ms. § 87(2)(b) alleges that two officers came to her house and refused to identify themselves. Mr. § 87(2)(b) account, and those from the members of service on the scene, reveal that there were in fact four officers present. That day, Officer Freed stayed in the foyer and officer Killen waited in the hall. The two members of service who had the most contact with Ms. § 87(2)(b) were Detective Mangual and Sergeant Mullins. They were the only two who went beyond the foyer of the apartment. Since she only complained of two members of service, it is likely that these were the two she remembered. For this reason, allegations of refusing to identify themselves were not assigned to Officers Freed and Killen. Ms. § 87(2)(b) was not able to give any specific details as to how or when Detective Mangual and Sergeant

Mullins refused to identify themselves. Mr. § 87(2)(b) did not remember his grandmother asking the police to further identify themselves. Mr. § 87(2)(b) does state that he did not ask for further identification. Sergeant Mullins believed that he gave Ms. § 87(2)(b) a business card. Detective Mangual testified that he displayed his shield. § 87(2)(b), § 87(2)(g)

Mr. § 87(2)(b) alleges that one of the officers threatened to arrest him if he didn't come to the precinct. Officer Freed was the only plain clothed officer who stayed in the apartment and talked to Mr. § 87(2)(b). Officer Killen was in plain clothes, but did not interact with Mr. § 87(2)(b). None of the officers admit to having threatened Mr. § 87(2)(b) with arrest for noncompliance. Neither Detective Mangual nor Sergeant Mullins gave any reason to believe that they were not candid in their statements. Officer Freed's testimony was consistent with the other members of service on the scene. § 87(2)(b), § 87(2)(g)

Investigator: Roger Munn Date: 3/3/99  
Supervisor: Richard A. O'Brien Date: 3-3-99  
Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_